

b.) Remarks

Claims 12-16 have been amended in order to recite the present invention with the specificity required by statute. Additionally, new claims 44-48 are presented in order to more specifically recite various preferred embodiments of the present invention. No new matter has been added.

Claims 1-11, 27, 42 and 43 are cancelled to delete withdrawn subject matter. (Claims "19-29" referred to at page 2, line 10 of the Office Action is believed to be a typographical error. If necessary, clarification is respectfully requested.)

Claim 12 and dependent claims are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is overcome by amending claim 12 to recite the various permitted substituents discussed at specification pages 24-32.

Claims 12-18 are rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for a limited number of compounds of the formula, does not reasonably provide enablement for the plurality of possible structures claimed. The Examiner states only compounds wherein  $R^4=H$  and  $R^{3A}=R^{5A}$  are enabled. Although this rejection is respectfully traversed, claim 12 has been amended accordingly without prejudice, solely in order to expedite prosecution.

Claims 1-18 are rejected under 35 U.S.C. §102(b) as being anticipated by each of Ince (U.S. Patent No. 4,868,306), Evans (*Tetrahedron Letters*, Vol. 33, No. 9 (1992) 1189-92), Kashiwada (*Bioorganic & Medicinal Chemistry Letters*, Vol. 2, No. 3

(1992) 235-8) and Chester (*Australian Journal of Chemistry*, Vol. 39, No. 11 (1986) 1759-64), over the compounds pointed out at pages 4-5 of the Office Action.

This rejection is respectfully traversed. That is, as to Kashiwada, Evans and Chester, claim 12 no longer recites lower alkyl or aralkyl for R<sup>3A</sup> and R<sup>5A</sup>. Similarly, no compounds of Ince are included in any of the presently amended claims in Applicants' review, and Dixcon requires that R<sup>4A</sup> be -OH.

Claims 1-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of co-pending Application Nos. 10/561,415 and 11/718,079 because the claims of all the applications are drawn to similar benzene derivatives allegedly useful as HSP inhibitors. Responding to this rejection on the merits is premature since neither the '415 or '079 application has issued (MPEP §804).

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 12-18 and 44-48 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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